

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL BRUCE ANTHONY
MCPHERSON,

Petitioner,

v.
WARDEN,

Respondent.

No. 2:23-cv-1014 WBS KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 6, 2023, respondent was directed to file a responsive pleading within sixty days. (ECF No. 11.) Petitioner filed two documents in which he claims there are no facts in dispute, no evidentiary hearing is required, and appears to contend the court has the power to immediately release petitioner. (ECF Nos. 14, 15.) In his motion for relief, petitioner seeks immediate release. (ECF No. 15.)

Petitioner appears to believe that his case should be immediately granted. However, petitioner is mistaken. Under 28 U.S.C. § 2254, respondent is entitled to respond to the petition, and then petitioner will have an opportunity to file a reply, if the response is an answer, or an opposition, if respondent files a motion to dismiss. Once the matter is fully briefed, then the matter will be submitted for decision.

1 In accordance with the above, IT IS HEREBY ORDERED that petitioner's motion (ECF
2 No. 15) is denied.

3 || Dated: July 19, 2023

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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